

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RYAN W. PAYNE,

Defendant.

Case No.: 2:16-cr-46-GMN-PAL

ORDER

Pending before the Court is the Report and Recommendation (ECF No. 1232) entered by Magistrate Judge Peggy A. Leen on January 4, 2017, denying Defendant Ryan W. Payne's ("Defendant's") Motion to Dismiss Counts Three, Six, Nine, and Fifteen for Insufficiency of the Superseding Indictment (ECF No. 711). Defendant timely filed his Objection (ECF No. 1240), and the Government timely filed a Response (ECF No. 1366).¹

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions of the Report to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations of the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b).

¹ Co-defendants Steven A. Stewart, Richard R. Lovelien, Gregory P. Burleson, David H. Bundy, Melvin D. Bundy, Ammon E. Bundy, Eric J. Parker, O. Scott Drexler, Jason D. Woods, and Joseph D. O'Shaughnessy filed Motions for Joinder (ECF Nos. 1259, 1262, 1278, 1282, 1284, 1295, 1301, 1302, 1303, 1324, 1349) to Defendant's Objection (ECF No. 1240). None of these motions for joinder include substantive argument. Pursuant to District of Nevada Local Rule IB 3-2(a), any objections to a magistrate judge's report and recommendation must be filed within 14 days of service. All of these motions for joinder were filed within the 14-day deadline to be considered as objections to Judge Leen's Report and Recommendation. Accordingly, the Court grants these Motions for Joinder. (ECF Nos. 1259, 1262, 1278, 1282, 1284, 1295, 1301, 1302, 1303, 1324, 1349).

1 Defendant's Objection merely states that he "objects to the legal findings of the
2 Magistrate Judge and relies on the analysis in his motion, ECF No. 711, for purposes of future
3 preservation of the issues." (Obj. 3:4–6, ECF No. 1240). As such, Defendant's Objection does
4 not present new or rebuttal legal arguments, but rather requests that this Court reject Judge
5 Leen's determinations. Defendant does not cite to any legal authority or case law to support his
6 objection. Having reviewed the record in this case *de novo*, the Court agrees with the analysis
7 and findings of Judge Leen in her Report and Recommendation (ECF No. 1232) denying the
8 Motion to Dismiss and incorporates them by reference in this order.

9 Accordingly, Defendant's Objection (ECF No. 1240) is overruled. The Court accepts
10 and adopts Judge Leen's Report and Recommendation (ECF No. 1232) to the extent that it is
11 not inconsistent with this opinion and denies Defendant's Motion to Dismiss (ECF No. 711).

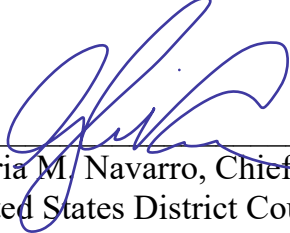
12 **I. CONCLUSION**

13 **IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 1232) is
14 **ACCEPTED and ADOPTED in full.**

15 **IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss (ECF No. 711) is
16 **DENIED.**

17 **IT IS FURTHER ORDERED** that the Motions for Joinder (ECF Nos. 1259, 1262,
18 1278, 1282, 1284, 1295, 1301, 1302, 1303, 1324, 1349) are **GRANTED.**

19 **DATED** this 23 day of January, 2017.

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22 _____
23 Gloria M. Navarro, Chief Judge
24 United States District Court
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